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**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE REQUESTED  
EXAMINING GROUP 1645  
PATENT  
Customer No. 22,852  
Attorney Docket No. 2356.0043-03**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Philippe SANSONETTI et al.	)	Group Art Unit: 1645
	)	
Application No.: 10/814,589	)	Examiner: NAVARRO, Albert Mark
	)	
Filed: April 1, 2004	)	Confirmation No.: 5870
	)	
For: TRANSFORMED SHIGELLA	)	<b>Mail Stop AF</b>

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY AFTER FINAL**

In reply to the Final Office Action mailed November 15, 2005, the period for response having been extended to March 15, 2006, by a Petition for Extension of Time and fee payment filed herewith, and pursuant to 37 C.F.R. § 1.116, Applicants submit the following comments and the attached Terminal Disclaimer and Submission Under 37 C.F.R. § 3.73(b) to place this application in condition for allowance.

As an initial matter, applicants thank the examiner for withdrawing the rejection under 35 U.S.C. § 112, second paragraph. The Examiner maintained the rejection of claims 14-52 under the judicially created doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 1-5 of Patent No. 5,762,941. In response, Applicants submit the attached Terminal Disclaimer, executed by authorized

representatives of Institut Pasteur and Institut National de la Sante et de la Recherche Medicale, co-assignees of the entire right, title and interest in this application and Patent No. 5,762,941, as demonstrated by the Submission Under 37 C.F.R. § 3.73(b).


Applicants submit that the Terminal Disclaimer obviates the rejection for alleged obviousness-type double patenting and respectfully request that the rejection be withdrawn and the pending claims 14-52 allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 8, 2006

By:   
Kenneth J. Meyers  
Reg. No. 25,146